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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to the duty of disclosure embodied in 37 C. F. R. § 1.56, Applicant wishes to bring to the attention of the Examiner the following.

01 FC:1806

180.00 OP

Date of Deposit: August 16, 2004

Signature of Registered Representative: John J. Emanuele

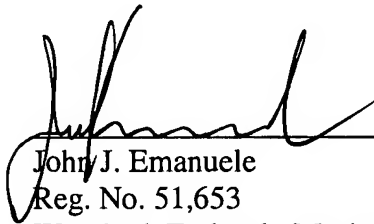
This Statement is being submitted after the mailing of an Office Action on the merits, but before the mailing of any Final Office Action. The fee of \$180 as required under 37 C.F.R. § 1.17(p) is enclosed. Therefore, it is believed that no additional fees are due. However, the Commissioner is authorized to charge any fee due as set forth in § 1.17(p) and to charge any additional fees which may

be due with this filing to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Enclosed is a brief updated summary of on-going litigation involving patents related to the instant application also enclosed is a copy of a Decision and Order marked 03-CV-276-A and 03-CV-280-A received from The United States District Court Western District of New York on or about August 11, 2004. This paper is provided to comply with MPEP 2001.06.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in § 1.56(b).

Respectfully submitted:

A handwritten signature in black ink, appearing to read "John J. Emanuele", is written over a horizontal line.

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